



United States Department of the Interior

FISH AND WILDLIFE SERVICE
South Florida Ecological Services Office
1339 20th Street
Vero Beach, Florida 32960



May 10, 2010

GUIDANCE TO PROCEED WITH EVENTS AUTHORIZED BY THE U.S. COAST GUARD

To Whom It May Concern:

The South Florida Ecological Services Office of the U.S. Fish and Wildlife Service (Service) receives a large number of requests from the U.S. Coast Guard (USCG) for consultation concerning marine-related events and their potential effects on the endangered West Indian manatee (*Trichechus manatus*) and nesting sea turtles including the endangered green (*Chelonia mydas*), endangered hawksbill (*Eretmochelys imbricata*), endangered Kemp's ridley (*Lepidochelys kempii*), endangered leatherback (*Dermochelys coriacea*) and threatened loggerhead (*Caretta caretta*).

In accordance with provisions of section 7 of the Endangered Species Act of 1973, as amended (Act) (87 Stat. 884; 16 U.S.C 1531 *et seq.*), this letter provides the USCG guidance and subsequent clearance to proceed with the following events: fireworks, boat regattas, boat parades, blessing of a fleet, fishing tournaments, sailboat races, non-motorized boat activities including, but not limited to canoes, kayaks, skulls, etc. Counties covered by this letter include those within the consultation area of the South Florida Ecological Services Office in Vero Beach, including Indian River, St. Lucie, Martin, Palm Beach, Broward, Miami-Dade, Monroe, Collier, Lee, Charlotte, Polk, Osceola, Hardee, De Soto, Highlands, Okeechobee, Glades, Hendry, and Sarasota. Events in other counties outside of this consultation area will need to consult with the Service's North Florida Ecological Services Office in Jacksonville or the Panama City Ecological Services Office.

The West Indian manatee and sea turtles are known to occur in the previously mentioned Counties. To protect manatees and sea turtles, the Service recommends the following protection measures as conditions of any permit issued for the marine events listed above:

1. All event officials and participants will attend a manatee and sea turtle awareness meeting to be held prior to the event. The purpose of the meeting is to inform all parties of the potential presence of manatees and sea turtles and the civil and criminal penalties that could result from the harassment, injury, or death of these species;
2. The applicant will distribute manatee and sea turtle educational packages to each event participant;
3. Spectators along the beaches shall be made aware of nesting sea turtles and the penalties associated with disturbing the nests, hatchlings, or adults while on the beach or in the water. Temporary signage that can be readily observed by spectators should be placed landward of



the beach (*e.g.*, dune crossover, parking lot, beach infrastructure, etc.). Coordination with local sea turtle nest monitoring entity should be conducted accordingly;

4. All participating vessels shall adhere to designated speed zones; and
5. To reduce direct event-related effects to manatees and sea turtles, the USCG permit will contain the following language:
 - a. “It is unlawful for any person, at any time, by any means, or in any manner, intentionally or negligently, to annoy, molest, harass, or disturb any manatee or sea turtle. Should manatees or sea turtles be present in the event area, the event must be delayed or stopped until the animals are clear of the area by their own volition;” and
 - b. Report any collision with manatees or marine turtles immediately to the Florida Fish and Wildlife Conservation Commission’s Law Enforcement hotline at 1-888-404-FWCC for rescue and/or recovery.

If the proposed event meets the parameters cited above, we request the USCG refer to this letter, in lieu of sending a concurrence request to the Service for an individual response.

Free-swimming sea turtles are under the jurisdiction of the National Marine Fisheries Service (NMFS). To obtain concurrence with determinations regarding effects to free-swimming sea turtles, the Service recommends coordinating with the NMFS Miami Office at 305-595-8352. Sea turtles and their nests along the beaches are under jurisdiction of the Service. If proposed projects will impact the beach, additional coordination with the Service will be necessary.

This letter also provides the USCG guidance and subsequent clearance to proceed with high speed marine events that occur offshore in the Atlantic Ocean or Gulf of Mexico. These high speed marine events are covered under separate permit conditions provided below.

1. The event area will be continuously monitored before and during the event to detect manatees that may approach or enter the event area. Monitoring will be conducted by at least five qualified observers from aircraft, an elevated land-based location along the beach, and elevated boat-based locations. Each observer will be equipped with a two-way radio dedicated exclusively to manatee monitoring.
2. Continuous aerial monitoring for manatees will be conducted by one helicopter. Aerial monitoring will begin 1 hour prior to the event and any organized practice sessions and will continue throughout racing and post-racing activities. The area to be monitored will include the entire race course and all waters within 1 mile of the race course perimeter.
3. Manatee observers will be in close communication with race officials in order to stop the event if a manatee is observed within the boundaries of the event or within 500 feet of the perimeter of the event site. The event will be halted immediately upon request of the

observer. The event shall not resume until the animal has moved away from the area under its own volition. Manatees **must not be herded or harassed** into leaving the event area. If the observer loses sight of a manatee observed in or near the event area, the event will not resume for at least 30 minutes following the initial sighting, provided that the manatee is not observed again.

4. Manatee observers will conduct manatee monitoring in good faith and to the best of their abilities. Liability for a violation of the aforementioned protective measures will be assumed by the race organizers and the vessel operators involved in a collision with a manatee.
5. All race officials, designated manatee observers, USCG officials and all other interested parties will attend a manatee monitoring coordination meeting held the day before the event.
6. All race officials and race competitors will attend a manatee awareness meeting to be held before the race on the day of the event. The purpose of the meeting is to inform all parties of the potential presence of manatees and the civil and criminal penalties that could result from the harassment, injury, or death of this species.
7. All participating vessels will travel to and from the race course under the direct supervision of race officials and at idle speeds or the slowest possible navigable speed until arriving at the course.
8. All participants and official boats shall adhere to speed zones adjacent to the event site.
9. If any one of the aforementioned conditions is not met prior to or during the event, the event will be immediately terminated. The USCG will designate an official with the authority to terminate the event as required above.

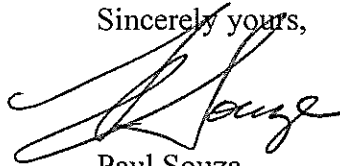
These conditions apply to the actual high speed event as well as any practice events leading up to the main event. This letter does not cover high speed events in the Atlantic Intracoastal Waterway (AIW), Indian River Lagoon, Tampa Bay, Biscayne Bay, Pine Island Sound, or other inshore water bodies. Coordination with the Service will be required for high speed events occurring in these water bodies.

This letter fulfills requirements of section 7 of the Act and no further action is required providing the above mentioned recommendations are followed. If modifications are made to the events, if additional information involving potential effects to listed species becomes available, or if a new species is listed, reinitiation of consultation may be necessary. In addition, no authorization for incidental take of manatees is needed under the Marine Mammal Protection Act (section 101(a) (5)(A)).

The Service notes nearshore reefs may occur in the event areas. Nearshore reefs provide important breeding and foraging habitat for a variety of marine aquatic life. In order to protect these valuable marine resources, we recommend all course buoys and anchors be avoided by official vessels.

Thank you for your cooperation in the efforts to protect the West Indian manatee and sea turtles. If you have any questions, please contact Kristi Yanchis at 772-562-3909, extension 313, or Kalani Cairns at 772-562-3909, extension 240.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Paul Souza', written in a cursive style.

Paul Souza
Field Supervisor
South Florida Ecological Services Office